



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan PENA-Andrade

Defendant.

Mag. Case No.

'08 MJ 84 10

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Deported Alien Found In the
United States

The undersigned complainant being duly sworn states:

On or about May 11, 2008, within the Southern District of California, defendant Juan PENA-Andrade, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12th DAY OF MAY 2008.


PETER C. LEWIS
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2
3 v.

4 Juan PENA-Andrade

5
6 STATEMENT OF FACTS

7 The complainant states that this complaint is based upon the statements of the
8 apprehending Border Patrol Agent, Martin Salgado, that the Defendant was found and arrested
9 on May 11, 2008 west of Calexico, California.

10 At approximately 12:30 p.m., BPA Salgado was performing his assigned Border Patrol
11 duties approximately sixteen miles east of Calexico, California. BPA Salgado followed footprints
12 that had entered from Mexico into the United States. Approximately 5 minutes later, BPA
13 Salgado encountered Juan PENA-Andrade. BPA Salgado identified himself as a Border Patrol
14 Agent and questioned PENA as to his immigration status to be in the United States. PENA
15 stated he is a citizen of Mexico, illegally in the United States. PENA was placed under arrest.
16

17 Record checks revealed that an Immigration Judge ordered PENA deported to Mexico
18 from the United States on November 14, 1996. Record checks also revealed that PENA has a
19 criminal record.
20

21 There is no evidence PENA has sought or received permission from the Attorney General
22 or the Secretary of the Department of Homeland Security to re-enter the United States.
23
24
25
26
27
28